

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

WANKE CASCADE DISTRIBUTION, LTD.,  
an Oregon corporation,

3:13-CV-00768-AC

ORDER

Plaintiff,

v.

FORBO FLOORING, INC., a Delaware  
corporation,

Defendant.

BROWN, Judge.

Magistrate Judge John V. Acosta issued Findings and Recommendation (#130) on March 24, 2016, in which he recommends this Court deny Defendant's Motion (#109) for Summary Judgment. Defendant filed timely Objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make

a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also Dawson v. Marshall*, 561 F.3d 930, 932 (9<sup>th</sup> Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003)(*en banc*).

In its Objections Defendant reiterates the arguments contained in its Motion for Summary Judgment, its Reply, and stated at oral argument. This Court has carefully considered Defendant's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

#### **CONCLUSION**

The Court **ADOPTS** Magistrate Judge Acosta's Findings and Recommendation (#130). Accordingly, the Court **DENIES** Defendant's Motion (#109) for Summary Judgment.

IT IS SO ORDERED.

DATED this 21<sup>st</sup> day of June, 2016.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Judge